

# State of South Dakota

## SEVENTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2004

457J0098

### HOUSE ENGROSSED NO. **HB 1201** - 02/05/2004

Introduced by: Representatives Williamson and Murschel and Senator Kelly

1 FOR AN ACT ENTITLED, An Act to authorize the issuance of revenue bonds to finance  
2 certain water pipelines or aqueducts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 46A-1-72 be amended to read as follows:

5 46A-1-72. Construction of a ~~West River~~ pipeline or aqueduct from the Oahe a mainstream  
6 Missouri reservoir, the Missouri River itself, or adjacent aquifers ~~to the border with Wyoming~~  
7 one or more communities in South Dakota is hereby authorized for a main delivery pipeline  
8 capable of delivering ~~approximately twenty-seven thousand acre-feet of water per year with up~~  
9 ~~to approximately seven thousand acre-feet to be available for use in western South Dakota and~~  
10 ~~the balance into Wyoming~~ water sufficient to supply or supplement the needs of the  
11 communities and other private or commercial users purchasing water from the communities.

12 Section 2. That § 46A-1-73 be amended to read as follows:

13 46A-1-73. The South Dakota Conservancy District is hereby authorized to issue bonds for  
14 ~~the West River aqueduct~~ pipelines or aqueducts pursuant to section 1 of this Act in an amount  
15 not to exceed ~~three hundred fifty~~ five hundred million dollars. ~~However, no single pipeline or~~  
16 aqueduct project may exceed an amount of seventy-five million dollars. The district may enter



1 into a financing agreement to loan the proceeds of the bonds as authorized by law. The financing  
2 agreement shall provide for repayment of the loan through payments sufficient to pay the  
3 principal of, premium, if any, and interest on the bonds. The loan shall be secured by ~~take or pay~~  
4 contracts for the ~~transportation of coal~~ delivery and sale of water and such additional security  
5 as is necessary for repayment and to market the bonds. The bonds ~~shall~~ do not constitute an  
6 indebtedness of the state and ~~shall~~ do not constitute nor give rise to a pecuniary or moral liability  
7 of the state or a charge against its general credit or taxing powers. No tax revenues of the state,  
8 its people, or any of its political subdivisions ~~shall~~ may be in any manner obligated to pay for  
9 any portion of the construction or financing of the ~~West River pipeline or~~ aqueduct.

10 Section 3. That § 46A-1-74 be repealed.

11 ~~— 46A-1-74. The South Dakota Conservancy District is hereby authorized to contract, without~~  
12 ~~using state tax revenues, for an independent market study to determine the demand for water~~  
13 ~~from the West River Aqueduct.~~